

Division's order appointing Independent Counsel Bruce indicated that the Independent Counsel had jurisdiction to investigate any corruption in Interior's decision in the Hudson matter "to the extent necessary to resolve the allegations" concerning whether Babbitt made false statements to the Congress.<sup>724</sup>

At the outset of its investigation, the Office of Independent Counsel determined that a full investigation of the Hudson casino application process and decision, including Secretary Babbitt's role in it, would be necessary to assess the allegations of criminality surrounding his testimony about his actions in the matter.

**3. After a Thorough Investigation and Analysis of the Facts and Circumstances Surrounding the Alleged Corruption and Perjury, the OIC Has Concluded that No Prosecution Is Justified**

At the conclusion of our investigation, we determined not to bring any prosecution for bribery, perjury or any other federal offense within our jurisdiction.<sup>725</sup> This finding was based on an evaluation of the nature of the proof in the case as a whole and not merely a sterile, element-by-element legal analysis of the evidence. Our decision was consistent with and guided by the Department of Justice policy that specifically discourages the bringing of marginal prosecutions.

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<sup>723</sup>(...continued)

the Department of Interior and elsewhere, if there was any such misconduct.

*Id.*

<sup>724</sup>Order Appointing Independent Counsel, In re Bruce Edward Babbitt (March 19, 1998), at 2.

<sup>725</sup>While the following analysis also addresses other potential criminal offenses relating to the conduct at issue in this matter, no statute specifically prohibits the conduct established by the evidence in this case.